

Board of Selectmen's Minutes
March 15, 2007
Harpswell Town Office
Approved March 29, 2007

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Selectmen Present: Samuel W. Alexander and James S. Henderson

Staff Present: Kristi K. Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

Chairman Alexander welcomed James Henderson. Chairman Alexander explained that Selectman Haible is unable to attend tonight's meeting due to a family illness.

Chairman Alexander moved, seconded by Selectman Henderson to amend the agenda by moving item 6 to 1a; moving item 1 to 1b; pass over items 12 and 20 and add 12a Appointments; motion passed 3-0.

1a. Selectman Henderson moved, seconded by Chairman Alexander to accept James Henderson's resignation to the Board of Appeals; motion passed 2-0. Chairman Alexander urged the public to apply and become a member to the Board of Appeals.

1b. Chairman Alexander moved, seconded by Selectman Henderson to pass over election of the chair; motion passed 2-0.

2. **Adoption of the Agenda:** Chairman Alexander moved, seconded by Selectman Henderson to adopt the agenda as amended; motion passed 2-0.

3. **Town Administrator's Report:** Administrator Eiane welcomed James Henderson aboard. Administrator Eiane reported that the Selection Group for the Mitchell Field Master Plan Consultant has reviewed five submissions, held two interviews, and is now recommending that the Town hire Holt & Lachman Architects and Planners of Portland, Maine as its consultant for the Mitchell Field Master Planning Process. Selectman Henderson moved, seconded by Chairman Alexander to hire Holt & Lachman; motion passed 2-0. Administrator Eiane explained that a couple of months ago, the Board attended a joint meeting with the DEP and Mitchell Field Committee regarding Mitchell Field environmental conditions. DEP at the time recommended that the Town have a State toxicologist attend a meeting to explain to the group that the site is safe. Selectman Henderson questioned why schedule the meeting now instead of later during the master planning process. Len Freeman, of Mitchell Field, explained the Committee wants the meeting fairly soon so they can gain an understanding of the situation to then explain to the consultant which will assist in the master planning process. The Board agreed to hold the meeting at an upcoming Selectmen's meeting. Administrator Eiane explained that the Town has a special recreational account that has accumulated approximately \$29,000 at the end of 2006 and that the Recreation Director would like to use some of the funds for capital expenditures. Administrator Eiane recommended the Board approve the Recreation Director's request to use \$1,000 from this account to purchase bats for the baseball program. The Board agreed that any future requests must be in writing with the Recreation Committee recommendation and consistent with a policy. Chairman Alexander moved, seconded by Selectman Henderson to use \$1,000 to buy baseball bats; motion passed 2-0. Marguerite Kelly, Town Treasurer, explained the purchase of the bats is due to new regulations requiring the existing bats to be replaced.

4. **Selectmen's Announcements:** There were no announcements.

5. Old Business: There was no old business discussed.

6. Moved to 1a.

7. Authorize Treasurer to Issue Request for Proposal for Tax Anticipation Note (TAN) Financing:

Marguerite Kelly, Town Treasurer, requested the Board authorize her to seek bids for a maximum \$3,240,000 for the TAN in the form of a revolving line of credit. Ms. Kelly explained the request is early this year as she wanted to keep this RFP separate from the upcoming RFP for the Harpswell Neck Fire Department loan. Ms. Kelly explained that bond counsel has reviewed and approved this request. Chairman Alexander moved, seconded by Selectman Henderson to authorize the Treasurer to solicit TAN bids; motion passed 2-0.

8. Sign Release Deeds: Administrator Eiane explained that this has been a long process that the Town Treasurer has worked very hard on. The unknown owner parcels, identified in 1998, were subject to a statutory process followed by the Town to be able to sell them. The Board of Selectmen previously accepted certain bids per parcel. The deeds now require signature by the Board and will be held in escrow until the Town has received the funds for the parcels. The bidders will have approximately 14 days to complete the transaction. Chairman Alexander moved, seconded by Selectman Henderson to grant the release deeds to the following:

John and Antoinette O'Brien	16/115
Gordon and Beth Crafts Bell	62/170
Margaret Munro Edwards, Helen Munro Edwards, Sarah Munro Edwards, Marian Mcmath Bateman,	
Christopher Harte and Elizabeth Harte Owens	29/35
Armand Bernier	31/43
Tad Forestheart a/k/a Bonnie Bailey	31/33

Motion passed 2-0.

9. Consider Harpswell Festival, Inc. Request for Use of Mitchell Field: Chairman Alexander stated he is not prepared to approve this request unless it is agreed that security personnel will be hired to prohibit access to the pier. Len Freeman, representing the Festival, stated that this is a non-profit agency that organizes festivals, such as the Harpswell Festival that attracts over 3,000 people. Mr. Freeman questioned why this requirement would be imposed upon the Harpswell Festival when the Town doesn't appear to enforce the no access to the pier rule throughout the year. Mr. Freeman stated that if the Town wants the Festival to prohibit access to the pier then the Festival request that they be granted the authority to do so and also to keep the gate open to allow access to the beach. Mr. Freeman suggested that the Festival could erect a barricade at the beginning of the pier. Chairman Alexander move to table the application. Selectman Henderson stated he prefers to table the application until the next meeting. Chairman Alexander withdrew his motion. Selectman Henderson moved, seconded by Chairman Alexander to table the application until the next regular meeting; motion passed 2-0. David Chipman suggested removing the fence along the shore and move the gate onto the pier itself.

10. Consider Request for Re-consideration of Wharf Application for Varujan Ozcan, Map 16, Lot 346, 25 Windsor Lane, Denied at March 1, 2007 Selectmen's Meeting: Chairman Alexander moved, seconded by Selectman Henderson to reconsider the Ozcan application; motion passed 2-0. [To be scheduled for a later date.]

11. Report from Cable Advisory Committee: David Brooks, of the Cable Advisory Committee, summarized the proposed Federal Communications Commission (FCC) rulemaking. The FCC's order could affect Harpswell by applying the franchise order to incumbent franchise cable operators as they negotiate renewal of

their agreements with Local Franchising Authorities (LFA). If this occurs, it may become effective in six months, when Harpswell would be negotiating a renewal franchise agreement. Mr. Brooks recommended on behalf of the Cable Advisory Committee that the Board of Selectmen support the nationwide effort to stop some of the latest FCC regulations by sending in comments on the "Further Notice of Proposed Rulemaking". Donna Frisolli provided an update regarding a meeting between a Congressional Committee and the FCC. The Board agreed that the Committee should draft a response for the Board's consideration at its next regularly scheduled meeting.

12. Discussion of Selectmen's Meeting Schedule: The Board agreed to hold a Selectmen's meeting on March 29, an administrative meeting on March 20 and to discuss this issue again at a future meeting.

12a. Appointments: Administrator Eiane explained that Tracey Thibault was previously appointed for the six months probation period and now needs a full year's appointment. Chairman Alexander moved, seconded by Selectman Henderson to appoint Tracey Thibault as the Code Enforcement Officer, Local Plumbing Inspector and 911 Addressing Officer from February 28, 2007 to April 30, 2008; motion passed 2-0.

13. Adoption of Policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits: Administrator Eiane explained that State law allows any one selectman to sign a payroll warrant if this policy is adopted. All other invoices require a minimum of two signatures before payment. Chairman Alexander moved pursuant 30-A MRSA § 5603 (s) (a) (1), seconded by Selectman Henderson to adopt the policy to allow any Selectman to review and sign a payroll warrant; motion passed 2-0.

14. Call for Committee Volunteers: Both Chairman Alexander and Selectman Henderson encouraged the public to volunteer for Town Committees, such as Board of Appeals.

15. Set Time and Date for Commercial Shellfish Lottery: Chairman Alexander moved, seconded by Selectman Henderson to set March 30 at 5:00 p.m. as the resident shellfish license lottery; motion passed 2-0. Chairman Alexander moved, seconded by Selectman Henderson to set March 30 at 5:45 p.m. as the non-resident shellfish license lottery; motion passed 2-0. Chairman Alexander will be the master of ceremonies for this process.

16. Set Time and Date for Public Hearing on Harpswell Neck Fire Department (HNFD) Loan: Administrator Eiane explained that Town Meeting approved the article to loan the HNFD \$75,000 but that a section in the IRS Rules requires an additional hearing. Chairman Alexander moved, seconded by Selectman Henderson to set April 12, 2007 at 7:00 p.m. as the hearing date; motion passed 2-0.

17. Consider Request for Qualifications for Seeking Legislative Monitoring and Representation: Administrator Eiane explained that Town Meeting approved \$6,000 to hire services to monitor proposed bills in Augusta important to Harpswell. Administrator Eiane stated the legislature is currently in session and therefore, the Town should act quickly. Responses to the RFQ would be due March 26 with a potential decision by the Board on March 29. Selectman Henderson moved, seconded by Chairman Alexander to approve the RFQ; motion passed 2-0. Selectman Henderson commented that the Town needs to be precise in what it wants this person to follow, i.e. taxation, affordable housing, marine resource issues, education, etc.

18. Consider Approving Concept for Grant Application to Maine Municipal Bond Bank: Administrator Eiane explained that this grant opportunity came from the Maine Municipal Bond Bank and requires applicants to explore efficiencies that could create a reduction in taxes. Administrator Eiane explained that staff proposed the grant application be for the proposed 20- year capital plan. Town Meeting approved \$15,000 for the emergency services study and any additional funding would help expand the study. Chairman Alexander

moved, seconded by Selectman Henderson to approve this proposed grant application concept; motion passed 2-0.

19. Authorization of the Warrant: Kristi Eiane, Town Administrator recommended approval of Warrant 14 and Payroll Warrant 12. Chairman Alexander moved, seconded by Selectman Henderson to approve Warrant 14 for \$59,438.72; motion passed 2-0. Chairman Alexander moved, seconded by Selectman Henderson to approve Payroll Warrant 12 in the amount of \$14,509.40; motion passed 2-0.

20. Approval of the Minutes: Chairman Alexander moved, seconded by Selectman Henderson to pass over this item; motion passed 2-0.

21. Public Comment: Glenn Gott congratulated James Henderson.

22. Adjournment: Chairman Alexander moved, seconded by Selectman Henderson to adjourn. The meeting was adjourned by unanimous vote at 8:10 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer